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CA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

Richard Montalvo

NOV 02 2010
NOV 2, 2010
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

10cv7044
JUDGE GETTLEMAN
MAG. JUDGE BROWN

vs.

Case No: _____

(To be supplied by the Clerk of this Court)

P.O. ADREANI, A JOHN STAR # 6185
P.O. TRAVLOS, ANGELO STAR # 16236
P.O. LIBBY C, NOEL STAR # 13447
P.O. PEREZ N, DAVID STAR # 15791
P.O. MARIN A, LUIS STAR # 19521
P.O. COLINDRES A, ANGEL STAR # 19764

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

A

More of 2nd sheet

P.O. Zullo G, GREGORY STAR# 6727
* P.O. VIA B, HENRY STAR# 12218
P.O. MARTINEZ H, JOAN STAR# 7952
P.O. OLIVARES E, DAVID STAR# 15135
P.O. Lopez Robert STAR# 5256
P.O. RONAN M, SEAN STAR# 2040
P.O. LOUGHRAN R SEAN - LIEUTENANT
(SUPERVISOR) STAR# 540

Place of Employment: Chicago Police
Officers 013 DISTRICT.

I. Plaintiff(s):

A. Name: RICHARD MONTALVO

B. List all aliases: _____

C. Prisoner identification number: _____

D. Place of present confinement: _____

E. Address: 1612 W LEMOYNE ST CHICAGO IL 60622
2ND FLOOR FRONT

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

A. Defendant: PO ADREANI A JOHN # 6185 ^{STAR}

Title: POLICE OFFICER

Place of Employment: CHICAGO POLICE 13TH DIST

B. Defendant: P.O. IRAYLOS ANGELO STAR# 16236

Title: POLICE OFFICER

Place of Employment: CHICAGO POLICE 13TH DIST

C. Defendant: P.O. LIBBY C NOEL STAR# 13447

Title: CHICAGO OFFICER

Place of Employment: CHICAGO POLICE 13TH DIST

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

(D) DEFENDANT: P.O. PEREZ N DAVID STAR# 15791
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(E) DEFENDANT: P.O. MARIN A LUIS STAR# 19521
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(F) DEFENDANT: P.O. COLINDRES A ANGEL STAR# 19764
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(G) DEFENDANT: P.O. ZULLO G, GREGORY STAR# 6727
TITLE: Police Officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(H) * DEFENDANT: VIA B, HENRY STAR# 12218
TITLE: Chicago Police Officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(I) DEFENDANT: P.O. MARTINEZ H, JUAN STAR# 7952
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(J) DEFENDANT: P.O. OLIVARES E, DAVID STAR# 15185
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(K) DEFENDANT: P.O. LOPEZ Robert STAR# 5256
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(L) DEFENDANT: P.O. RONAN M, SEAN STAR# 2040
TITLE: Police officer
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

(M)* DEFENDANT: P.O. LOUGHRAN R. SEAN STAR# 540
TITLE: Police officer LIEUTENANT
PLACE OF EMPLOYMENT: Chicago Police Dept 13th Dist

DEFENDANT:
TITLE:
PLACE OF EMPLOYMENT:

DEFENDANT:
TITLE:
PLACE OF EMPLOYMENT:

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 04C 3664
- B. Approximate date of filing lawsuit: JUNE 2002 ?
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: J. JUREK # 7051, B. MEDENICA # 13522
S. WOLFF # 19681 SGT M. BONNSTETTER # 1645
R. TUFANO # 7624 DET S. SHEWCHUK # 20061
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILL - EASTERN DIV
US DISTRICT COURT
- F. Name of judge to whom case was assigned: JUDGE MORAN -
MAGISTRATE JUDGE DROWN
- G. Basic claim made: Civil Rights 1983 - False Arrest
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settlement by City of Chicago
- I. Approximate date of disposition: ?

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

A. Name of case and docket number: 99 C 4221

B. Approximate date of filing lawsuit: Summer 2000

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

D. List all defendants: PARK RIDGE police Dept
OFFICER KELLER, OFFICER SUAREZ
OFFICER SHAUGHNESSY

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT OF ILL - EASTERN DIV
U.S DISTRICT COURT

F. Name of judge to whom case was assigned: ?

G. Basic claim made: Breath by police officer
1983 Civil Right

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

Settlement by PARK RIDGE

I. Approximate date of disposition: ?
0

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

PLAINTIFF STATES THAT HE IS 51 YEARS OLD AND A SINGLE FATHER AND LIVES WITH HIS 7 YEAR OLD DAUGHTER. HE IS ALSO A DISABLED VETERAN.

PLAINTIFF STATES THAT HE WAS SELF-EMPLOYED WITH A HANDYMAN SERVICE AND A SMALL FURNITURE DELIVERY SERVICE AS WELL, BEFORE BEING ARRESTED AND INCARCERATED BY THE CHICAGO P.D.

ON NOV 3, 2008 PLAINTIFF WAS THE TARGET OF A DEFECTIVE SEARCH WARRANT. THE WARRANT STATED 3RD FLOOR.

PLAINTIFF STATES THAT HE AND HIS DAUGHTER HAVE BEEN LIVING ON 2ND FLOOR FOR OVER 8 YEARS NOW.

PLAINTIFF STATES THAT HE WAS LAYING DOWN IN HIS BED, AND THAT HIS DAUGHTER WAS ASLEEP IN HER BED ROOM WHEN THE CHICAGO POLICE OFFICERS BROKE DOWN THE HALLWAY DOOR AND RAN UP

to the 3rd Floor and then Broke down
that door as well. Apartment was empty.

Plaintiff states that he then went to
Investigate said Noise and walked out
into the hallway.

Plaintiff states that One officer
(unknown) said to other officer GRAB him
he is the TARGET.

Plaintiff states that his daughter
wake up and was Crying and SCARED
at all of this Comotion going on.

Plaintiff was then handcuffed in
his Apartment (2nd Floor) and Taken
out to hallway where his daughter
was Crying and SCARED.

Police officers then started Asking plaintiff
questions about A Gun which plaintiff
Never had one. Officers then did A
Search of 2nd Floor with Police dog
and Hand-to-Hand SEARCH of said
2nd Floor Apartment. Plaintiff Never
was Given His Rights.

PLAINTIFF STATES THAT POLICE THEN "TOOK" KEYS OFF PLAINTIFFS KITCHEN TABLE AND WENT INTO ATTIC. FOR A SEARCH, OF SAID ATTIC, WHICH IS A COMMON AREA IN BUILDING. PLAINTIFF WAS ARRESTED AND CHARGED WITH UUN OF BULLETS. NO GUN WAS FOUND.

PLAINTIFF STATES THAT HIS FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENTS WERE VIOLATED BY THE CHICAGO POLICE DEPT - 13TH DIST.

PLAINTIFF STATES THAT THE POLICE OFFICERS IN QUESTION... CONSPIRED AS A UNIT TO VIOLATE PLAINTIFFS CONSTITUTIONAL RIGHTS AND FABRICATED A STORY TO WARRANT AN ARREST. THAT THEIR INFORMATION AND IMPROPER IDENTIFICATION OF PLAINTIFF WAS BASED ON AN UNRELIABLE INFORMANT AND THE POLICE NEVER DID AN INDEPENDENT INVESTIGATION TO WHERE PLAINTIFF LIVED TO BEGIN WITH. PLAINTIFF HAS LIVED ON 2ND FLOOR FOR OVER 8 YEARS NOW.

PLAINTIFF THINKS THAT HIS SITUATION IS SOME KIND OF VANDETTA, BY POLICE AND INFORMANT.

PLAINTIFF DEMANDS A JURY TRIAL.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

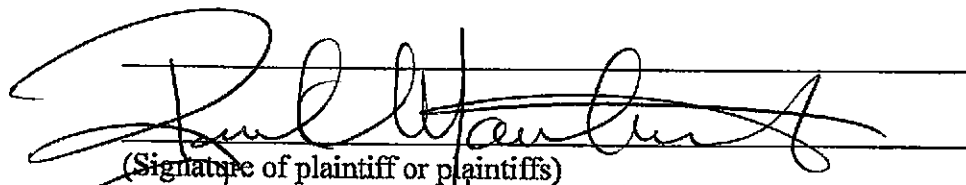
PLAINTIFF STATES THAT BECAUSE OF SAID ACTION
by the 13th DIST POLICE DEPT, HE HAS
SUFFERED EMOTIONAL PAIN AND MENTAL AGUISH
DEPRESSION, DETEAMATION OF CHARACTER,
LOSS WAGES, LOSS OF ENJOYMENT OF LIFE
FALSE ARREST, FALSE IMPRISONMENT

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 2nd day of NOV, 20 10


(Signature of plaintiff or plaintiffs)

RICHARD MONTALVO
(Print name)

(I.D. Number)

1642 W LEMOYNE ST
CHICAGO, IL 60622
(Address)

2 FLOOR FRONT.

"Relief"

Loss of Business, INCONVENIENCE
MALICIOUS PROSECUTION, AND IRREPAIRABLE
HARM to his daughter AND 71 year old
MOTHER.

PLAINTIFF ASKS THAT AN I.A.D. INVESTIGATION
BE done ON ALL MEMBERS IN THIS POLICE SUIT

PLAINTIFF Seeks Compensatory damages
AS WELL AS PUNITIVE damages IN THE
Sum OF \$1,000,000.